

**REMARKS/ARGUMENTS**

**Amendments**

Before this Amendment, claims 1-23 were present for examination. Claims 1 and 12 are amended by this paper, and no claims are canceled or added. Therefore, claims 1-23 are present for examination, and claims 1 and 12 are the independent claims. No new matter is added by these amendments.

**Rejection under 35 U.S.C. § 103(a)**

The Final Office Action ("Office Action") has rejected claims 1-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Fravel, U.S. Patent Publ. 2003/0130889 ("Fravel").

Claim 1 has been amended to recite in part

*providing, by a coordinating entity, a plurality of discount instruments to be sold to consumers as part of a fundraising program, wherein each of the discount instruments provides its presenter access to more than one of the discount arrangements but does not store a definition of the discount arrangements;*  
*retaining, by the coordinating entity, a portion of the sale price of each discount instrument sold....*

Fravel does not describe a method wherein discount instruments are sold. Fravel describes a "coupon card" that is used by a consumer to access electronic versions of traditional coupons. Such coupons are provided by manufacturers or merchants as a way of enticing customers to buy certain products. (Fravel paragraph [0004], [0008]). Fravel makes no mention that either the coupon card or the coupons themselves are sold to consumers. It would also not be an obvious modification of Fravel to charge for any part of the system, because Fravel's system has a promotional purpose, and requiring consumers to pay for any part of the system would detract from that purpose. Fravel also lacks any fundraising aspect.

Because Fravel does not teach or suggest each and every limitation of claim 1, and because it would not be obvious to modify Fravel's system to include the limitations of claim 1 not taught by Fravel, claim 1 is believed allowable over Fravel. Independent claim 12 has been similarly amended, and is believed allowable over Fravel for similar reasons. The dependent

claims are believed allowable over Fravel at least by virtue of their dependence from allowable claims 1 and 12.

The Final Office Action has alternatively rejected claims 1-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Fravel, and further in view of the cited portions of Fajkowski, U.S. Patent 5,905,246 ("Fajkowski").

Fravel is discussed above. The system of Fajkowski emulates traditional coupons by storing electronic versions of them on a computerized "integrated coupon card". (Fajkowski Abstract). Fajkowski does not indicate that either the coupon card or the coupons themselves are sold to consumers, and also lacks any fundraising element. As such, even the combination of Fravel and Fajkowski fails to teach or suggest all of the limitations of Applicants claims, and the claims are believed allowable.

**Claims 22 and 23**

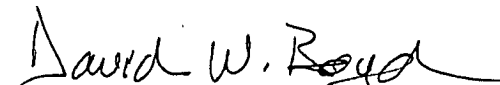
The Final Office Action has not specifically addressed claims 22 and 23. These claims are believed allowable at least by virtue of their dependence from allowable base claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
David W. Boyd  
Reg. No. 50,335

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
DWB:klb  
61827913 v1